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US PATENT & TRADEWARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gerald W. INGRAM et al.

Art Unit:

2177

Appl. No.: 09/847,999

Examiner:

Khanh B. Pham

Confirmation No.:

Filed: May 4, 2001

7592

Atty. Docket No.:

43799-204796

For: ENHANCED HYPERLINK

Customer No.

26694

REQUEST FOR REFUND

Commissioner for Patents Post Office Box 1450 Alexandria, Virginia 22313-1450

MAIL STOP PETITION

Sir:

Please refund \$270.00 to Venable's Deposit Account No. 22-0261. The basis for this request is as follows.

- On March 10, 2005, Venable LLP presented an argument to the Board of Patent Appeals and Interferences in response to the final Office Action of November 6, 2003. A decision was made by the Board of Patent Appeals and Interferences on May 26, 2005 overturning the 35 U.S.C. § 103 obviousness rejection, leaving only a provisional 35 U.S.C. § 101 double patenting rejection.
- On July 26, 2005, Venable LLP filed a Request for Allowance and Petition Under 37

Applicants: Gerald W. INGRAM et al.

Appl. No. 09/847,999

Atty. Dkt. No.: 43799-204796

C.F.R. § 1.183. This petition was filed to plead to the Examiner to allow the case, and that according to MPEP 804.I.B. if the only rejection remaining in a case is a provisional double patenting rejection, the case should be allowed. Included with that filing was a payment from Venable LLP's deposit account in the amount of \$130.00 as directed by 37 C.F.R. §§ 1.183 and 1.17(h). A COURTESY COPY of the filing with our date-stamped filing receipt are included for your reference.

- On July 26, 2005, Venable's deposit account was charged an additional \$270.00 for a
 general petition to the Examiner requesting Allowance.
- A copy of the USPTO Deposit account statement dated July 26, 2005, posting reference text number 09847999 is enclosed, showing the erroneous charge of \$400.00 to us.

Applicants: Gerald W. INGRAM et al.

Appl. No. 09/847,999

Atty. Dkt. No.: 43799-204796

CONCLUSION

A Request for Allowance and Petition Under 37 C.F.R. § 1.183 was filed on July 26, 2005 in

response to the final Office Action mailed on November 6, 2003. Venable paid \$130.00 by deposit

account of July 26, 2005. The USPTO withdrew an additional \$270.00 from our deposit account on

July 26, 2005. Because we were filing a standard petition, the additional fee of \$270.00 should not

have been withdrawn from the deposit account. Therefore, applicants respectfully request that a

credit in the amount of \$270.00 be applied to Deposit Account No. 22-0261 and that the undersigned

be notified accordingly.

Please note in the file the current address of the attorneys of record.

Respectfully submitted,

Date: September 20, 2005

Edward W. Yee

Registration No. 47,294

VENABLE LLP

P.O. Box 34385

Washington, D.C. 20043-9998

Telephone: (202) 344-4000 Telefax: (202) 344-8300

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PTO Due Date: Date Filed:

N/A **JULY 25, 2005**

TM Official Gazette Date:

Re:

Patent No.:

Atty. Docket No: 43799-204796

"ENHANCED HYPERLINK" - INGRAM et al. 09/847,999

Application No:

Appl'n Filing Date:

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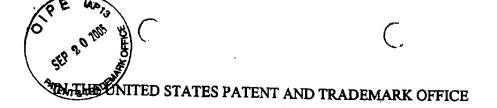
Issue Date: The following items were received from Venable, Washington, D.C., by the U.S. Patent & Trademark Office:

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In re application of: INGRAM, et al.

Art Unit: 2177

Appl. No. 09/847,999

Examiner: Pham, Khanh B.

Confirmation No. 7592

Atty. Docket No. 43799-204796

Filed: May 4, 2001

Customer No.

For: ENHANCED HYPERLINK

26694

Request for Allowance and Petition Under 37 C.F.R. \$1.183

Honorable Commissioner for Patents Washington, D.C. 20231

Sir:

In reply to the Final Office Action dated November 6, 2003, Applicants request that the captioned application be passed to allowance.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are needed to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims), and any other fee deficiency are hereby authorized to be charged, any overpayments credited to, our Deposit Account No. 22-0261.

Application No.: 09/847,999 Applicants: INGRAM et al.

Remarks

All pending claims of the captioned patent application, claims 31-33, were rejected by the Examiner in the November 6, 2003 on two bases. First, all pending claims were rejected under 35 U.S.C. §103(a) as being obvious over art cited by the Examiner. Second, all pending claims were provisionally rejected under 35 U.S.C. §101 as claiming the same invention as claims 174-176 of U.S. Patent: Application 09/594,786 (referred to hereinafter as the '786 application).

The rejection under 35 U.S.C. §103(a) was appealed to the Board of Patent Appeals and Interferences (Appeal No. 2004-2266). In the Decision on Appeal, the BPAI reversed the decision of the Examiner with regard to the rejection of claims 31-33 under 35 U.S.C. §103(a). Decision on Appeal, May 26, 2005, Paper No. 27, pp. 7, 8.

As for the provisional double patenting rejection under 35 U.S.C. 101, the BPAI sustained this rejection pro forma. Claims 174-176 of '786 application have been canceled, however. Amendment and Reply, August 26, 2004, p. 3, U.S. Patent Application 09/594,786. As stated by the Examiner in the present application, "A statutory (35 U.S.C. §101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope." Office Action, November 6, 2003, Paper No. 11, p. 9, U.S. Patent Application 09/847,999. Because claims 174-176 of '786 application have been canceled, there are no "conflicting

Application No.: 09/847,999 Applicants: INGRAM et al.

claims" still pending. The double patenting rejection of the present application has therefore been overcome.

In summary, the rejection of the pending claims under 35 U.S.C. §103(a) has been reversed by the BPAI, and the double patenting rejection under 35 U.S.C. §101 has been rendered moot in light of the timely cancellation of the conflicting claims in the '786 application. For these reasons, the applicants respectfully request that the captioned application be passed to allowance.

In the event that the Examiner does not pass the application to allowance, applicants hereby petition for a Suspension of the Rules under 37 C.F.R. §1.183. In light of the circumstances outlined above, justice requires that the present application be passed to allowance and not be abandoned. All rejections of the pending claims have either been reversed by the BPAI or timely rendered moot. An abandonment of the application instigated by the USPTO would represent an injustice, given that no grounds for rejection remain.

Application No.: 09/847,999 Applicants: INGRAM et al.

Conclusion

The rejection of the pending claims under 35 U.S.C. § 103(a) has been reversed by the BPAI, and the double patenting rejection under 35 U.S.C. §101 has been rendered moot in light of the cancellation of the conflicting claims in the '786 application. For these reasons, the applicants respectfully request that the captioned application be passed to allowance.

If the Examiner believes, for any reason, that personal communication will expedite allowance of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of the Request is respectfully requested.

Respectfully submitted,

Date: July 25, 2005

Edward W. Yee

Attorney/Agent for Applicants Registration No. 47,294

VENABLE

P.O. Box 34385

Washington, D.C. 20043-9998

Telephone: (202) 962-4800

Telefax: (202) 962-8300

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Ad

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Art Unit: 2177

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Technology Center 2100

Appl. No. 09/847,999

Confirmation No. 7592

Filed: May 4, 2001

For: ENHANCED HYPERLINK

In re application of: INGRAM, et al.

Atty. Docket No. 43799-20479

Examiner: Pham, Khanh B.

Customer No.

26694 PATENT TRADEMARK OFFICE

B ME -2 MID I

Request for Allowance and Petition Under 37 C.F.R. \$1.183

Honorable Commissioner for Patents Washington, D.C. 20231

Sir:

In reply to the Final Office Action dated November 6, 2003, Applicants request that the captioned application be passed to allowance.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are needed to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims), and any other fee deficiency are hereby authorized to be charged, any overpayments credited to, our Deposit Account No. 22-0261.

Adjustment Date: 12/21/2005 SDIRETA1 09847999 07/26/2005 ZJUHAR1 00000111 220261 09847999 01 FC:1462 400.00 CR

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July 25, 2005

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Applicant claims small entity status. See 37 CFR 1.27		Art Uni	it			2177		REC
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1205 18 2205 9 "Reissue claims in excess of 20	1802	600	1802	900		for expedited ex gn application	amination	
and over original patent	Other	fee (spec	ify)					
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